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Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 1

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Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 2

1 APPEARANCES:

2 For Plaintiffs: (Present Telephonically)

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16 For Defendant:

17 CAYLA J. WITTY, ESQ.
18 MARGARET G. FOLEY, ESQ.
19 Lewis, Brisbois, Bisgaard
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21 6385 South Rainbow Boulevard
22 Suite 600
23 Las Vegas, Nevada 89118
24 (702) 893-3383

25 Also Present: (Present Telephonically)

26 Joe Edmondson, UMC ESI Vendor
27 Doug Forrest, Esq., ILS
28 Bruce Pixley, ESI Expert
29 Dean Schaibley, UMC Network Security Analyst
30 Michael Mann

31 EXHIBITS

32 (None Offered)

33

Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 69

1 contained on that server? Or did I order counsel --
2 actually, counsel for UMC, I believe that I ordered you
3 to provide me a written letter explaining to me what is
4 stored on this server. Is that not correct?

5 MS. FOLEY: Yes. This is Counsel Foley.
6 You asked for a letter explaining what this drive is,
7 what is -- what it holds or did hold.

8 SPECIAL MASTER GARRIE: Yeah. What it
9 did hold, what it holds, and the dates upon which it
10 was collected from.

11 MS. FOLEY: Thank you.

12 SPECIAL MASTER GARRIE: Now, I am going
13 to touch on the DOL spreadsheet issue with much
14 reservation.

15 Counsel for UMC, I need to understand
16 something. Counsel for plaintiffs have repeatedly said
17 that they have not received the Bates stamped
18 spreadsheets. And you have repeatedly said you have
19 provided them Bates stamped spreadsheets.

20 Am I missing something?

21 MS. WITTY: This is Counsel Witty. This
22 unfortunately was a miscommunication with regards to
23 what had previously been produced and what is our
24 obligation to continue to produce.

25 Previously UMC had produced spreadsheets that

Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 70

1 were created by UMC and produced and, excuse me,
2 provided to the Department of Labor during the
3 investigation with regards to calculated damages
4 proposed during the DOL investigation. Those were
5 provided both in a previous production and again
6 electronically in my e-mail.

7 However, after the testimony of Ms. Panzeri at
8 the beginning of this month, at the special master's
9 direction, we went back and collected specifically the
10 folder on the payroll Q drive, which Ms. Panzeri has
11 access to, and we located spreadsheets that were
12 produced earlier in the investigation, and those are
13 being produced.

14 SPECIAL MASTER GARRIE: Again? Or have
15 they not been produced before?

16 MS. WITTY: Those have not been produced
17 previously.

18 SPECIAL MASTER GARRIE: Okay.

19 MS. FOLEY: To clarify, this is
20 Counsel Foley, they were produced to the DOL by
21 Ms. Panzeri; is that correct?

22 Yes. Sorry. I don't mean to ask.

23 MS. WITTY: For clarification, this is
24 Counsel Witty, these were spreadsheets that were
25 created and provided to the Department of Labor in

Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 71

1 March of 2012. They are now being produced.

2 SPECIAL MASTER GARRIE: But they are
3 electronic documents. Right?

4 MS. WITTY: Correct.

5 SPECIAL MASTER GARRIE: Okay.

6 MS. WITTY: They are not responsive --

7 SPECIAL MASTER GARRIE: So do you
8 have --

9 MS. WITTY: They are not responsive to
10 the search terms, which is why they -- and they are in
11 Excel format.

12 So we have had to go outside of the procedure
13 that was in place for the collection of the Q drive to
14 make sure that they are produced. That is why the
15 electronic copies have not been produced in accordance
16 with the ESI protocol order.

17 So that plaintiffs have the information
18 contained, we are producing them under the hard copy
19 format, essentially searchable PDFs, tomorrow. As soon
20 as feasible, we will produce them in the native
21 electronic format in accordance with the ESI protocol.

22 SPECIAL MASTER GARRIE: Okay. Now,
23 why -- first off, do we agree that they are relevant
24 documents and responses?

25 MS. WITTY: This is Counsel Witty. We

Special Master's Hearing May 29, 2014
*** Telephonic ***

Page 140

1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA)
4 COUNTY OF CLARK)
5) SS

6 I, CINDY MAGNUSEN, CERTIFIED COURT REPORTER,
7 HEREBY CERTIFY THAT I TOOK DOWN IN STENOTYPE ALL OF THE
8 PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE TIME
9 AND PLACE INDICATED, AND THAT THEREAFTER SAID STENOTYPE
10 NOTES WERE TRANSCRIBED INTO TYPEWRITING AT AND UNDER MY
11 SUPERVISION.

12 THAT THE FOREGOING TRANSCRIPT CONSTITUTES A FULL,
13 TRUE AND ACCURATE RECORD OF THE PROCEEDINGS HAD.

14 I FURTHER CERTIFY THAT I AM NOT A RELATIVE OR
15 EMPLOYEE OF COUNSEL OR ANY OF THE PARTIES, NOR A RELATIVE OR
16 EMPLOYEE OF THE PARTIES INVOLVED IN SAID ACTION, NOR A
17 PERSON FINANCIALLY INTERESTED IN THE ACTION.

18 IN WITNESS WHEREOF, I HEREBUNTO SUBSCRIBE MY NAME
19 ON JUNE 6, 2014, AT LAS VEGAS, NEVADA.

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